REMARKS

Claims 1-13, all the claims pending in the application, stand rejected. The Examiner has considered Applicants' arguments and amendments, and does not find them persuasive. Applicants' response, without amendment of any claims, follows.

Claim Rejections - 35 U.S.C. § 102

Claims 1-8 and 11-13 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Ota (EP 823,270). This rejection is traversed for at least the following reasons.

The Examiner has repeated the text of the previous Office Action, which set forth the basis for rejection of these claims in reliance on the teachings in Ota. In the previous Amendment, Applicant amended independent claims 1 and 3-8 to specifically state that the commercially available music CD (or storage medium) is a predetermined commercially available music CD (or storage medium) which corresponds to operating timing data prepared beforehand. The critical feature added to the claim is that this operating timing data will determine whether the CD is in the category of "predetermined." Applicant uses this feature to judge whether the music CD is a particular type of music CD that is compatible with the claimed game device, etc., which embodies the invention.

Similarly, claims 9-13 were amended to state that the music is a "predetermined music data which corresponds to operating timing data prepared beforehand." Again, the critical feature is that this operating timing data is in the category of "predetermined" or not. Applicant uses this feature to judge whether the music is a particular type of music.

Applicant argued that Ota does not teach such "predetermined" commercially available CD (or storage medium) or music data, as contemplated by the invention.

The Examiner disagrees by pointing to the disclosure in Ota of a music signal generated from a CD, as disclosed at page 8, lines 30-44, page 10, lines 24-34 and page 14, lines 43-44. The Examiner comments that "Ota's broad disclosure of a music CD does not preclude the game player's CD from being a predetermined commercially available CD, especially since the game generation beat information on the basis of the music signal and the dance performance data pieces are resident in the program storage device." (emphasis added) The Examiner notes that

there can be any number of different types of storage devices used, such as CD, RAM, ROM, hard disk drive, etc. The Examiner concludes that the music CD provided by the player would "necessarily be a predetermined music CD" since game generation information and dance performance data pieces are already stored in memory of the video dance game device.

Applicants again respectfully submit that Ota does not make any judgment with regard to anything being "predetermined," especially a storage medium or music data Thus, there is no "commercially available CD judgment means" as recited in claims 1, 3-5, no "commercially available music information storage medium judgment means" as recited in claim 7, 8 and 11, or "music data judgment means" as recited in claims 9 and 10.

Nothing in the teachings of Ota, particularly the cited passages at pages 8, 10 and 14, disclose any judgment as to whether a predetermined commercially available music CD is being played. In fact, no judgment whatsoever is made with regard to the CD and certainly nothing as to whether it is a predetermined commercially available CD or predetermined music data. Thus, the claim cannot be anticipated. Such "predetermined" commercially available music is necessarily different from commercially available CDs in general. Similarly, such "predetermined" music data is necessarily different from the music from a standard storage medium that is not designated as being predetermined.

Similarly, there is no step of judging whether or not a commercially available music CD is a predetermined commercially available music CD which corresponds to operating timing data prepared beforehand, or whether there is a judgment as to music data is a predetermined music data. In short, there is no teaching of a use of timing data prepared beforehand to determine whether or not a commercially available music CD (or storage medium) is a predetermined CD (or storage medium) or music data is a predetermined music data.

The Examiner has simply argued that a music CD can be a predetermined commercially available music CD. The Examiner states that "Ota must associate the general dance music CD with the operation timing data in order to generate beat information on the basis of the music signal and to select and read out one of the dance performance data pieces stored in the program data storage device, with reference to page 8, lines 30-44.

However, the Examiner's analysis ignores the fact that there is a judgment step or a judgment function related to all of the claims under rejection. The cited operation is not a judgment as to whether a music CD is a particular predetermined music CD or whether a particular music is a predetermined music. Selection of a music signal is not a judgment that a CD is a particular predetermined music CD or that music is a predetermined music data that corresponds to operating timing data prepared beforehand.

The claimed judgment is a preliminary step which involves a complete rejection of a CD (or storage medium) if it is not an appropriate type CD, or a rejection of music data if it is not a predetermined music data having the specified operating timing data. No such rejection or other action based upon the judgment is disclosed in Ota.

The Examiner acknowledges Applicants' previous argument with respect to the lack of any judgment structure or step in Ota, particularly a structure or step based on a predetermined media or music data. The Examiner argues that Ota must associate the general dance music CD with the operation timing data in order to generate beat information and to select and read out one of the stored dance performance pieces. This, however, is not the selection of a predetermined CD or storage medium, as claimed. It also is not the selection of a music data based on timing information, but merely selection of data based on title, for example.

Finally, with respect to the Examiner's position that Ota discloses a game device (storage medium) which (1) stores dance performance data generated from the beat component of CD beforehand. and (2) then judges whether it is a corresponding music CD, the Applicants disagree based on the following additional reasons:

(a) In Ota, there is disclosed that "A dance music signal includinq a beat signal data is outputted from the game sound source 4 as one example of the dance music output device. This beat signal data is inputted to the CPU 1".

Ota also discloses that "music data based on the selected dance category data is sent to the game sound source 4 (Step S8), and the dance music is reproduced. A beat signal is also included in the music data." and that "...-and then detects a time lag or shift between the

timing when the operation section 6 is operated (i.e. the performance is played) and the timing of the beat signal of the dance music (Step S33)".

(b) Ota does not disclose the method in which music data is processed beforehand, and dance performance data is generated and stored. Practically, a person skilled in the art cannot adopt such method requiring much processing time before the game starts.

(c) In view of (a) and (b) described above, a beat signal is considered to be input in real time from game sound source 4 to CPU 1. Ota does not disclose any game device (storage medium) which (1) stores whole of dance performance data generated from the beat component of a CD beforehand and then (2) judges whether it is a corresponding music CD.

Therefore, on the basis of the foregoing, Applicants continue to traverse this rejection.

Claim Rejections - 35 U.S.C. §103

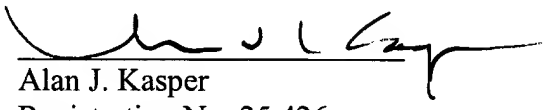
Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ota (EP '823,270) in view of Okamoto (5,735,744). This rejection is traversed for at least the following reasons.

Again, Applicants note that the Examiner has simply repeated the basis for rejection presented in the previous Office Action. Therefore, Applicants prior amendment and arguments would be applicable to distinguishing the invention over the cited art. Further, with regard to the Examiner's traversal of Applicants' arguments, the Examiner merely refers to his arguments with respect to Ota. As previously demonstrated, there is no judgment means or a step, as expressly stated in the claim. Thus, Applicants submit that such judgment means or step is not obvious. Ota simply plays everything and has no judgment as to whether or not a predetermined CD is being used or a predetermined music data (related to timing data) is being accessed. Okamoto does not remedy this deficiency. Thus, the claims should be patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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